



NEW YORK UNIVERSITY

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Office of the Assistant to the President
for Student Affairs

Mr. Jasper

June 12, 1967

Arthur Scheiner, Esq.
Wilner, Scheiner, and Greeley
Landmark Building
1843 H Street, N.W.
Washington, D.C. 20005

Dear Mr. Scheiner:

Pursuant to instructions from you and your office, I transmit herewith:

- a) Copy of notification to FCC pertaining to publication of "Notice" regarding forthcoming FCC hearing.
- b) Statement regarding proposed WNYU-FM programming.

My continued study of the various documents embodying the history of this contested application leads me to ask some questions, primarily out of my own curiosity, but with the secondary thought that if we keep raising for your consideration questions that occur to us, perhaps we may suggest points of substance to strengthen the arguments in behalf of our cause in this contest, even if the actual questions, e. g., the first two below, may of themselves be somewhat immaterial.

1. The FDU application states that FDU is incorporated "under the laws of the State of New York." Is this true? If not true, is this the kind of technicality that might have a bearing in the eyes of the law? Also, could this have any bearing on the city of record question raised earlier, and about which we are still not entirely clear?
2. We were interested in the conclusion drawn in your letter of May 26, 1966, to the effect that the technicality of the omitted signature on our amendment of June 14, 1966, had no significant bearing on the FCC decision to designate a public hearing. In this same vein, we wonder (a) if an unsigned, unsupported, typewritten statement stating that a Mr. Robert P. Stotts, a non-officer of Fairleigh Dickinson University, had been designated to sign its application should have been accepted by the FCC at full face value, and (2) if the amendment to the application

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of FDU, signed not by Mr. Stotts but by a Mr. Marinus C. Gallanti, an officer and a campus dean, should also have been accepted by the FCC in the light of the prior designation of Mr. Stotts as possessing the authority to sign the application.

3. Both the application and the several petitions of FDU stress the exclusive coverage of Bergen County by the proposed WFDU-FM. Given the scarcity of FM channels in this area, is the FCC willing to agree to exclusiveness? It would seem that this concept imputes to the citizens of Bergen County a parochialism that is not warranted.
4. Likewise, the FDU argument indicates that Northern New Jersey will "have a voice in the use of this channel" if the FDU application is approved. Since this station presumably will be operated by a private university with its own mission and needs, the question might be raised as to how Northern New Jersey will be able to exercise this voice in the light of the legal obligations of the prospective licensee. Next, should we be in a position to counter this situation by our existing or an expanded Advisory Board?
5. The FDU argument also stresses the length of planning that has gone into its application, although without being specific. If this is a factor of significance, we can document the birth of our aspiration as of 1957 and the beginning of actual work on securing a channel as of 1962.
6. Again without being specific, FDU protests the "numerous" educational stations serving New York City. Should we not be specific as to this number, as well as the qualitative nature of the service rendered by them, and further point out how many serve Bergen County in addition to New York City, as we would do if our application is accepted? Conversely, how many educational stations in New Jersey serve Bergen County? Finally, we would of course include in our urban-focused programs those dealing with New Jersey.
7. The most recent amendment submitted by FDU, dealing with the titles of certain officers, etc., leads to the questions as to whether certain "hard" information in our application should be updated:
 - a) Legal counsel has been changed.
 - b) List of University officers needs amendment
 - c) List of University Trustees needs amendment
 - d) Names of WNYU Board of Advisors (or Directors) was never submitted.

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- e) Certain of our studios have been relocated.
- f) A more recent University Financial Report is available, as is a more recent statement of the WNYU annual operating budget.

Next, for general information, it is my understanding that the current issue of the FDU Alumni News -- which I have not seen -- carries a news item on the contested hearing and indicates that both United States Senator Clifford Case and State Senator Jeremiah F. O'Connor have signified an intention of informing the FCC of their personal support for the FDU cause, not unexpectedly. At our meeting of some two weeks ago, we discussed this procedure of soliciting statements from political personages. Would you advise us now to attempt to follow FDU's presumed lead in this regard, or do you believe this would be unwise?

Finally, the following is a summary of documents, statements, memoranda or the like which we are planning to prepare in line with our meeting of May 23:

1. A policy manual including operational and programming policy guides, structure of management, duties of officers and advisors, etc.
2. A broadcast history of WNYU, expressed in terms of the needs and interests of both students and the University.
3. A statement on the planning and preparation of the FM project itself, including the negotiations with the United Nations, with faculty participants, etc., and also including the basic idea of the urban mission and contacts and surveys related thereto.
4. A brief history of New York University itself.
5. A qualitative analysis of the programming of other FM educational stations of the area (including the FDU proposal?).
6. Revised engineering data prepared professionally. ^{ff} Are there additions to this list?

Yours very sincerely,

Harold B. Whiteman, Jr.

CC: Dean Miguel de Capriles
Mr. Bertram Cowlan

Mr. David Jaspen
Mr. Stanley Saplin Mr. Lewis Schatzer

Enclosures